

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

ERICKA MOON

v.

**GOODWILL INDUSTRIES OF
NORTH TEXAS, INC., *et al.***

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NO. 4:24-CV-00831-SDJ-BD

MEMORANDUM OPINION AND ORDER

Plaintiff Ericka Moon, proceeding *pro se*, filed a complaint naming Goodwill Industries of North Texas, Inc., and its COO, Craig Boone, as defendants. Dkt. 1. The complaint alleges violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5 *et seq.*; violations of Chapter 21 of the Texas Labor Code; and ordinary negligence. *Id.* at 5–6. Moon seeks compensatory and punitive damages exceeding \$1.5 million. *Id.* at 7.

Title VII requires would-be plaintiffs to exhaust their administrative remedies before seeking judicial relief. *McClain v. Lufkin Indus., Inc.*, 519 F.3d 264, 273 (5th Cir. 2008). A private-sector employee may satisfy that requirement by filing a charge with the Equal Employment Opportunity Commission (EEOC). *Id.* After filing a charge, the charging party may sue the employer only if the EEOC issues a right-to-sue letter or 180 days have passed since filing the charge. 42 U.S.C. § 2000e-5(f)(1); *see* 29 C.F.R. § 1601.18. Federal courts may not consider Title VII claims that have not first been brought to the EEOC. *Chhim v. Univ. of Tex. at Austin*, 836 F.3d 467, 472 (5th Cir. 2016).

Moon’s complaint states that she filed a charge with the EEOC on or about July 25, 2024. Dkt. 1 at 2. The complaint does not allege that the EEOC issued Moon a right-to-sue letter, and fewer than 180 days have passed since she filed the charge. This court therefore cannot determine whether Moon has exhausted her administrative remedies.

It is **ORDERED** that Moon file an amended complaint correcting the deficiencies identified above no later than 14 days after entry of this order. The amended complaint must properly allege exhaustion of her administrative remedies. If Moon fails to file an amended complaint or otherwise act, the recommended disposition will be dismissal without prejudice. If dismissal is satisfactory, no further action is necessary.

So ORDERED and SIGNED this 19th day of September, 2024.



Bill Davis
United States Magistrate Judge